

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

JOHN BALLARD,  
*et al.*

Plaintiffs,

vs.

JACK ISOM CONSTRUCTION CO. INC.,

Defendant.

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No. 1:12-cv-01378-WTL-MJD

**REPORT AND RECOMMENDATION**

This matter is before the Court on Plaintiffs' Motion for an Order to Show Cause why Defendant should not be held in contempt for failing to obey the Court's Order dated May 10, 2013. [Dkt. 32.] Said Order required, in part, that the Defendant should remain current in its contribution obligations to the Plaintiffs for hours worked in the month of February, 2013 and thereafter. [Dkt. 14.]

The Court heard this matter on April 24, 2015. Defendant did not appear; the Plaintiffs appeared and advised the Court of the amount due from Defendant based on reports it had submitted, and including amounts comprising late fees and interest in the post-judgment period. Plaintiffs supplemented this testimony by an Affidavit of Michelle B. Draper in which she updated the figures to reflect subsequent payments by Isom; however, certain amounts remain unpaid. [Dkt. 37.]


The Magistrate Judge hereby recommends that the Court find that the Defendant is in contempt of the Court's Order of May 10, 2013 [Dkt. 14]. As a remedy for said contempt, the Magistrate Judge further recommends that the Court award a Supplemental Judgment to

Plaintiffs in the amount of \$23,473.74, which sum represents delinquent contributions for the period from August, 2014 through April, 2015, and unpaid late fees and interest for the period from May, 2014 through present

Any objections to the Magistrate Judge's Report and Recommendation shall be filed with the Clerk in accordance with 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), and failure to timely file objections within fourteen (14) days after service shall constitute a waiver of subsequent review absent a showing of good cause for such failure.

Counsel for Plaintiff ordered is to serve this order on Defendant and file proof of such service on or before June 3, 2015.

Dated: 05/21/2015

  
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Mark J. Dinsmore  
United States Magistrate Judge  
Southern District of Indiana

**Distribution:**

Service will be made electronically on all ECF-registered counsel of record via email generated by the court's ECF system.

Service on the listed individuals will be made via first-class U.S. Mail:  
Jack Isom Construction Co. Inc.  
c/o Ruby J. Isom, Registered Agent  
622 S. SR 43  
Reynolds, IN 47980